

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE CLAYTON GAVER III,

Defendant.

8:19-CR-163

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture. [Filing 96](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. Defendant Dale Clayton Gaver, III entered into a Plea Agreement, [Filing 52](#), whereby he agreed to enter a plea of guilty to Count One of the Information and admit to the Forfeiture Allegation.

2. Count One charged Defendant with conspiracy to distribute and with possession with intent to distribute cocaine, marijuana, and THC, in violation of 21 U.S.C. §§ 846 and 841.

3. The Forfeiture Allegation alleged that Defendant used the \$44,202.00 United States Currency to facilitate the offenses, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses.

3. By virtue of said plea of guilty, Defendant has forfeited interest in the subject currency. Accordingly, the United States should be entitled to possession of said currency pursuant to 21 U.S.C. § 853.

6. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Motion for Preliminary Order of Forfeiture, [Filing 96](#), is hereby granted.
2. Based upon the Forfeiture Allegation of the Information and the plea of guilty, the United States is hereby authorized to seize the \$44,202.00 U.S. currency.
3. Defendant's interest in the \$44,202.00 U.S. currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The United States shall hold the currency in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
6. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
7. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 5th day of December, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher,
United States District Judge